

167926



CERRO COPPER PRODUCTS CO.

P.O. Box 66800
St. Louis, MO 63166
618-337-6000
Fax: 618-337-7273

FAX SHEET

DATE: March 10, 2000 **# OF PAGES** 3

TO: Mike McAteer - U.S. EPA Region V

FROM: Joe Grana

SUBJECT: AOC Letter of Agreement - Trenching

Mike,

Attached is a Letter of Agreement of the AOC for trenching

Joe

**CERRO COPPER PRODUCTS CO.**P.O. Box 66600
St. Louis, MO 63166-6600
618/337-6000

March 10, 2000

BY FACSIMILEThomas Martin, Esq.
Office of Regional Counsel (C-14J)
USEPA - Region 5
77 West Jackson Boulevard
Chicago, IL 60604**Re: In the Matter of Cerro Copper Products Co.
Administrative Order Directing Compliance
With Request for Access
Docket No. V-W-00-C-583**

Dear Mr. Martin:

I am submitting this letter on behalf of Cerro Copper Products Co. ("Cerro") in response to the above referenced Administrative Order, which will allow the Agency, Solutia Inc. ("Solutia") and its contractors on to Cerro's property to excavate trenches on Site I.

The Administrative Order requires Cerro to provide access for the trenching on March 11 and March 12, 2000, or if the trenching cannot be conducted then, on March 18 and 19, 2000 or an alternate subsequent weekend thereafter. Access must be allowed "at all reasonable times" to allow the trenching to proceed. Cerro has previously indicated to the Agency that Solutia can mobilize on Cerro's property for the trenching as early as Friday, March 10, 2000, and that they can continue their mobilization and preparation work as early on Saturday and Sunday as they deem appropriate. Cerro has, further, stated that the actual trenching commence no earlier than 8:15 a.m. and conclude no later than 3:45 p.m. on the specified days. As you know, Cerro's plant will be evacuated, other than a skeleton security crew, during these hours. Solutia and its contractors may, however, remain on the site after 3:45 p.m. to decontaminate, demobilize or conduct any activities other than trenching that are required as part of the trenching process.

As you know, Cerro has been and remains extremely concerned about the potential health and safety hazards that might result from the trenching activities that the Agency is requiring on Site I. Nevertheless, Cerro hereby expresses its intention to comply with the Administrative Order, if the work hours set forth above constitute "reasonable times" within the meaning of the Administrative Order. Cerro's compliance should not be deemed an admission of any finding of fact or law set forth in the Administrative Order or otherwise.

Cerro understands that the Agency, Solutia or its contractors will be employing such health and safety precautions as they deems necessary and appropriate for the activities

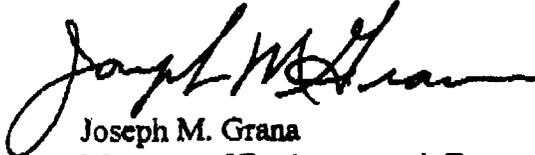


CERRO COPPER PRODUCTS CO.

being conducted. By complying with the Administrative Order, Cerro assumes no responsibility or liability whatsoever for any aspect of the operation, including the safety of the individuals involved in the operation or to neighbors or members of the general public whose health may be adversely affected by these activities.

Very truly yours,

Cerro Copper Products Co.



Joseph M. Grana
Manager of Environmental, Energy
and Health Services Group

cc: M. McAuliffe, Esq. (USEPA) (Via Fax)
M. McAteer (USEPA) (Via Fax)
M. Light (Solutia) (Via Fax)